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SUBJECT: UNMIN BRIEFING TO THE SECURITY COUNCIL

Classified By: Ambassador Susan Rice for reasons 1.4 (b) and (d)

1.(C) Summary: The Representative of the Secretary-General to Nepal and head of UNMIN, Karin Lundgren, briefed the Security Council on the activities of UNMIN as well as the latest developments in Nepal on November 6. Her briefing centered mainly on the breakdown of trust among political parties, the continued need for progress to discharge disqualified Maoist army personnel, and the importance of cooperation between parties to the overall peace process. The Permanent Representative of Nepal also addressed the Security Council, focusing on the progress made toward a new constitution, the reintegration and rehabilitation of Maoist combatants, and the November 5 meeting among Nepali government factions. During closed consultations, Lundgren "amplified concerns" regarding the rising tensions between political parties, stating it was "difficult to be optimistic at this time." All members made interventions expressing regret at the lack of political progress on the constitution and the integration and discharge of Maoist army personnel. There is significant disagreement among Council members about whether the UNMIN mandate, which expires in January, should be extended. End summary.

¶2. (SBU) On November 6, the Representative of the Secretary-General to Nepal and head of UNMIN, Karin Lundgren, briefed the Security Council on the activities of UNMIN as well as the latest developments in Nepal. Lundgren noted that despite the overall achievements that the mission has made since the mission was established, limited progress has been made over the past few months, as the peace process has faced protracted political deadlock. She underscored her concern that, following issuance of the most recent report, Nepali parties are disintegrating internally and moving towards confrontation, and that the "possibility of miscalculation" or "overreaction" by security forces is ever-present. Maoist-organized protests are becoming more frequent, and resulting in clashes, over presidential limits on military power. This tension challenges the legitimacy of the Comprehensive Peace Agreement.

¶3. (SBU) Concerning the discharge of disqualified Maoist army personnel, Lundgren highlighted the cooperation of the Government and the Maoists, reporting that the committee had resumed work on the integration and rehabilitation process. Military personnel were briefed at a military cantonment on October 1, the first of such briefings.

¶4. (SBU) Lundgren noted that the Maoist party makes up 40 percent of the seats in the Constituent Assembly and is a key player in the peace process. Its power is illustrated by the fact that it has blocked the legislature for all but one month since May 2009. Lundgren stated that progress in Nepal would thus depend on cooperation between the two main parties.

¶5. (SBU) The Permanent Representative of Nepal, Madhu Raman Acharya, addressed the Council following Lundgren's

statement. He spoke optimistically about achievements made thus far and about the peace process in general. He stated that Nepal's Constituent Assembly is "moving ahead constructively" in the drafting of the new constitution, noting that the Chairman of the Constitutional Committee has been elected. He reaffirmed the Assembly's aim to conclude its task by May 2010. He also reported progress in the integration and rehabilitation of Maoist military personnel, noting that the Committee tasked with the issue has been reconstituted. He noted similar progress in the release of under-age and disqualified armed personnel in the cantonments. Acharya informed the Council of a meeting that took place on November 5 among government factions, in which a number of demands were made to the Maoists, including requests to cease their practices of delaying the legislature and organizing protests. Regarding the UNMIN report itself, he commented that it "would have been more balanced if it had taken into account the sincere efforts made by the government of Nepal in addressing key issues of the peace process..." He also expressed his view that the implication of parity between the national army and the former rebel combatants was not likely to assist the peace process.

¶16. (C) Following Lundgren and Acharya's briefings, the Council moved to closed consultations, where Lundgren "amplified concerns" regarding the rising tensions between political parties, stating it was "difficult to be optimistic at this time." She also noted that UNMIN has recently been called "unfriendly" and "interventionist" by the Nepali government. Lundgren thanked the Ambassadors of the P5 and Japan for the recent joint press statement following their trip to a cantonment, and stated that continued unified actions by the international community are needed and can

make a difference in the outcome of this crisis. She explained that there is an incorrect understanding among Nepali politicians, press and citizens that in the absence of a national emergency the deadline for the constitution's drafting cannot be extended; however, it is UNMIN's understanding that a national emergency declaration is not required for the deadline to be extended. Lundgren also lamented that, while the High Commissioner for Human Rights has brought "emblematic human rights abuse cases" to the Government of Nepal's attention, they have received no response.

¶17. (C) All Council members made interventions during closed consultations, expressing regret at the lack of political progress on the constitution and lack of progress on the integration and discharge of Maoist army personnel. Mexico, Costa Rica, and Austria highlighted the work of UNMIN's child protection unit, and urged the government of Nepal to protect the rights of children and to reintegrate them in accordance with outstanding resolutions.

¶18. (C) There was significant disagreement among members about whether the UNMIN mandate, which expires in January, should be extended. China, Costa Rica, and Vietnam called on Council members to give "full consideration" of any forthcoming Nepali government request with regard to possible further extension of the mandate. Turkey provided a moderate stance stating that "nothing can substitute for Nepalese action, but UNMIN must be careful not to leave too early." The UK, Japan, France, Austria, and U.S. interventions noted frustration at the possibility of further UNMIN extensions. France noted sharply that "UNMIN cannot be a surrogate in the absence of Nepali political will." The UK echoed this sentiment stating that "UNMIN is doing a job it wasn't designed for" and underscored that UNMIN was created with a short-term mandate which has now been extended four times. The UK provided the Council with two possible options in regard to the January UNMIN mandate expiration: (1) to not renew the mandate, or (2) "to empower UNMIN for departure with a political mandate for a future and targeted withdrawal of UNMIN."

Rice